

DISTRICT OF COLUMBIA TAXI CAB COMMISSION

MINUTES
REGULAR MEETING
WEDNESDAY, MAY 9, 2007

MEMBERS PRESENT:

Interim Chairperson:
Commissioners:

Doreen E. Thompson, Esq.
Sandy Allen
A. Cornelius Baker
William Henry Carter IV
Thomas Heinemann
Inder Raj Pahwa
Stanley W. Tapscott
Theresa Travis

Interim General Counsel and Secretary: **Marceline D. Alexander, Esq.**

I. CALL TO ORDER & DETERMINATION OF QUORUM:

Interim Chairperson, Doreen E. Thompson, called the meeting to order at 10:00 a.m. and asked Commission members to introduce themselves to the public and to indicate the panel on which they serve. Following a moment of silence, **Interim General Counsel and Secretary, Marceline D. Alexander**, conducted a roll call and determined that there was a quorum present to vote and transact business.

II. COMMUNICATION FROM THE FOLLOWING:

A. Interim Chairperson Thompson – Discussion of Commissioner Tapscott’s proposal to place a moratorium on the number of taxicabs companies

Interim Chairperson Thompson informed members of the and the public that Commissioner Tapscott’s April 11, 2007, proposal to place a moratorium on the number of licensed taxicab companies was sent to the Panel on Consumer and Industry Concerns. However, the Panel was unable to address the proposal at its regularly scheduled meeting on April 18, 2007, because of the number of items on its agenda.

1. Comments by Members of the Commission:

Commissioner Tapscott asked why the matter was going before the Panel and expressed his concern that the color options for new companies are nearly exhausted. **Interim Chairperson Thompson** noted that, while the exhaustion of color schemes for new taxi companies raises practical considerations, neither the Commission’s regulations nor law specifically authorize the Commission to take such action based on such considerations. She stated that there may have to be a change in legislation to accommodate such a moratorium. She cautioned that any decision to place a moratorium based on exhaustion

of colors must be undertaken only after other alternatives are explored and there is a determination that there is no other reasonable action that could be taken to address this concern. Members of the Commission and the public were also reminded by **Interim Chairperson Thompson** that although new companies are forming, there are no new drivers on the streets. She further indicated that the Office of Taxicabs is initiating enforcement actions to ensure that companies are in compliance with District of Columbia Municipal Regulations relating to Taxicabs and Public Vehicles for Hire. **FOLLOW UP ACTION:** At its June meeting, the Panel on Consumer & Industry Affairs will consider this proposed moratorium, review the materials submitted to the Panel by the Office and make a recommendation to the full Commission. The referenced material sets forth the Commission's authority to take such action, weighs the pros and cons of taking such action and examines the legal implications of the Commission not licensing new companies in the District of Columbia.

2. Comments by the Public:

Several members of the public offered opinions or expressed concerns about the proposal to place a moratorium on the number of cab companies ranging from there are too many companies and there are too many colors on the streets to there are too many cabs that look alike. According to one member of the industry, the Office of Taxicabs needs to do a better job in checking the color schemes of companies and determining whether the companies actually have 20 vehicles in their fleet. According to one driver, some companies are purportedly just sending in VIN numbers instead of actually producing cabs. Another industry member suggested that the Commission set a minimum and maximum number of drivers a company can have. **Mr. Ronald Bethea**, a driver, opposed placing a moratorium on the number of cab companies because he felt it does not go far enough. He asked the Commission to consider amending Commissioner Tapscott's proposal to place a moratorium on the number of taxicabs.

III. REPORTS FROM THE FOLLOWING:

A. Interim Chairperson – Loitering Enforcement by the Metropolitan Police Department

Interim Chairperson Thompson informed members of the Commission and the public of **Commissioner Travis'** concern regarding aggressive enforcement of the prohibition against loitering by public vehicles for hire in District law. According to **Commissioner Travis**, taxi drivers have been arrested. **Interim Chairperson Thompson** indicated that her review of the legislation indicates that loitering is a misdemeanor offense. **Commissioner Travis** stated that she brought the matter to the Commission's attention because drivers are concerned that loitering is a felony. **Interim Chairperson Thompson** clarified that loitering is a criminal misdemeanor offense not a criminal felony offense. Moreover, although some members of the public stated that they had knew individuals who had been charged as much as \$150 for loitering, the fine as stated in the law is "not less than \$10 and no more than \$40". [The Commission's regulations authorize the public vehicle inspectors to issue a \$25 ticket for loitering]. **Interim Chairperson Thompson** indicated that the Office had contacted the Metropolitan Police Department's Third District to

report the following: that the Commission is receiving complaints from drivers that they are receiving \$150 fines for loitering, to get clarification on how they are interpreting the law and to invite the Third District's commander (Commander McCoy) to attend a Commission meeting to discuss this and other issues. Commander McCoy, however, was unable to appear. **FOLLOW-UP ACTION:** A representative from the Metropolitan Police Department will be invited to attend the next scheduled commission meeting on June 13, 2007 to discuss this and other related issues. **Interim Chairperson Thompson** recommended that the **Commission** propose legislation that decriminalizes loitering and subjects those found guilty of loitering to a civil infraction.

1. Comments from the Commissioners:

Commissioner Travis further stated that she has received reports that not only are drivers being charged with loitering for leaving their cabs more than five feet away, they are also being charged with loitering when they are driving too slowly. She also told the Commission and the public about a phone call she received from a friend who complained that the police made a taxi driver move where the driver was stopped in front of the complainant's door on a one-way street. According to **Commissioner Travis**, the police approached the taxi and told the driver to move on even though the passenger was on her way to get inside the vehicle. According to **Commissioner Travis**, she has first hand knowledge of such incidents having witnessed the police tell taxi drivers waiting to pick her up or drop her off to move on despite being advised that these fares were a pre-arranged pick-up of a blind passenger. **Interim Chairperson Thompson** asked anyone having similar problems or experiences to provide information to the Commission so this issue could be addressed.

2. Comments from the Public:

An unidentified speaker asked whether the Secret Service police have authority to stop a cab driver and issue numerous tickets, and commented that these law enforcement officers are not familiar with the Commission's regulations. **Interim Chairperson Thompson** indicated that the Commission's regulations are enforceable by these law enforcement officials. However, she pointed out that although these law enforcement agencies have authority to issue tickets, they may not be fully aware of the District laws and municipal regulations affecting public vehicles for hire. **FOLLOW-UP ACTION:** The Commission will contact other law enforcement agencies in the District including the Park Police, Secret Service Police, and Capitol Police to ensure that they are kept informed and knowledgeable as to the Commission's regulations.

Nathan Price, a taxi driver, asked when the issue of loitering became a criminal offense. He stated that the law is heinous and gives law enforcement officials way too much discretion. He further indicated that rather than contest the ticket, many drivers simply go to court, plead no contest, pay the fine and end up with a criminal record, and urged the Commission to seek to amend the legislation. Again, **Interim Chairperson Thompson** reiterated that she was recommending that proposed legislation would go to the Panel on Rates and Rules to decriminalize loitering.

B. General Counsel:

1. Adoption of March 14, 2007, Minutes of the Full Commission Meeting.

ACTION TAKEN: On **Commissioner Tapscott's** motion and **Commissioner Carter's** second, the March 14, 2007, minutes of the full commission meeting were approved by the Commission. **Commissioner Travis** abstained.

2. Adoption of April 11, 2007, Minutes of the Full Commission Meeting.

ACTION TAKEN: On **Commissioner Carter's** motion and **Commissioner Tapscott's** second, the April 11, 2007, minutes of the full commission meeting were approved by the Commission. **Commissioner Travis** abstained.

IV. CONSENT CALENDAR ITEMS:

A. Proposed Rulemakings:

1. Emergency Fuel Surcharge Increase

ACTION TAKEN: Upon Commissioner Allen's motion and Commissioner Travis' second the Panel on Rates and Rules recommended \$0.75 emergency fuel surcharge was changed from \$0.75 to \$1.00. All Commissioners with the exception of Interim Chairperson Thompson and Commissioner Baker voted to approve an emergency fuel surcharge increase of \$1.00.

2. New Zone Map

ACTION TAKEN: The Commission reviewed the latest adjustments to the new zone map. Following **Commissioner Carter's** recommendation to remove the street name Connecticut Avenue which appears in white in Zone 3B, **Commissioner Pahwa moved** and **Interim Chairperson Thompson** seconded the approval the new zone map. By a vote of 6 yeas and one abstention by **Commissioner Travis**, the new zone map was approved by the Commission. [The new zone map does not require a rulemaking since it only makes technical adjustments to the official zone map but will need to be published in the DC Register to change Appendix 8-2].

3. Proposed Rulemaking - To include sports utility vehicles as taxicabs

ACTION TAKEN: On **Interim Chairperson Thompson's** motion and **Commissioner Pahwa's** second, the Commission approved sending a proposed rulemaking from the Panel on Rates and Rules, which amends § 601.1 of Chapter 6 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"), 31 DCMR § 601.1 to include sports utility vehicles as taxicabs back to the **Panel on Rates and Rules** for further discussion and reconsideration.

4. **Proposed Rulemaking – To permit drivers the right to refuse to transport small dogs or other small animals and prohibit drivers from traveling with an animal or pet of any kind in a vehicle while holding the vehicle out for hire.**

ACTION TAKEN: On **Commissioner Carter's** motion and **Commissioner Pahwa's** second, the Commission, unanimously approved a proposed rulemaking, which amends 31 DCMR § 802.6, by adding language which gives drivers the right to refuse transport small dogs or other animals if they have a diagnosed medical condition such as allergies which prevent them from transporting such animals. The proposed rulemaking also specifically, prohibits taxi drivers from traveling with an animal or pet of any kind in a vehicle for hire while holding the vehicle out for hire or transporting any passengers.

5. **Proposed Rulemaking – To establish a fine for keeping pet animals in vehicles while holding the vehicle out for hire**

ACTION TAKEN: On **Commissioner Carter's** motion and **Commissioner Pahwa's** second, the Commission, unanimously approved a proposed rulemaking, which amends 31 DCMR § 825.1, *Civil Fines For Taxicab* Infractions, by imposing a \$50 civil fine on any taxi driver who transports an animal or pet of any kind in a vehicle for hire while holding the vehicle out for hire or transporting passengers.

B. Final Rulemaking

Chapter 12 of 31 DCMR, 31 DCMR §1201.7 – To require limousine operators to maintain a written or printed manifest

ACTION TAKEN: The Commission unanimously approved a final rulemaking which requires limousine operators to maintain a written or printed manifest of their itinerary. The proposed rulemaking was approved by the Commission on March 6, 2006, and published in the D.C. Register on March 16, 2007. A public hearing was held on April 11, 2007 and no comments were received by the Commission.

V. ADJOURNMENT OF THE FULL COMMISSION MEETING:

Interim Chairperson Thompson adjourned the meeting at 12:10 p.m. and announced that the next meeting of the full commission will be on Wednesday, June 13, 2007 at 10:00 a.m.